

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

March 24, 2005

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 24, 2005, at 2:01 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Harold Warner Jr. Vice-Chair; James Barfield; Darrell Downing; John W. McKay Jr. (in @ 2:37); Bill Johnson; Bud Hentzen; Ronald Marnell; Elizabeth Bishop; M.S. Mitchell; Denise Sherman and Gary K. Gibbs. Morris K. Dunlap, Chair and Frank Garofalo were not present. Staff members present were: John L. Schlegel, Secretary; Dale Miller, Current Plans Manager; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jess McNeely, Associate Planner; Jamsheed Mehta, Transportation Planning Manager; David Barber, Advanced Plans Manager and Rose Simmering, Recording Secretary.

❖ **PLANNING COMMISSION ITEMS**

1. Approval of March 10, 2005 meeting minutes.

MOTION: Approval of March 10, 2005 meeting minutes.

DOWNING moved **MITCHELL** seconded the motion, and it carried (8-0).

❖ **SUBDIVISION ITEMS**

- 2-1. **SUB2005-05 – Final Plat – CLIFTON COVE ADDITION, located on the south side of 63rd Street South and west of Clifton.**

NOTE: This site is located in the County adjoining Wichita's city limits and annexation is required. It consists of a replat of Woodvale Addition in addition to unplatted property. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- D. **County Engineering** has requested a drainage plan. The applicant needs to address drainage from 63rd St. South to Reserve B. Minimum pad elevations may be needed based on the drainage plan. **A drainage plan has been provided.**
- E. Turnarounds need to be platted for Cedardale Circle and Clifton. **A temporary turnaround will be platted for Vassar. The Applicant will be platting a turnaround for Cedardale in accordance with City Fire Department standards.**
- F. **Traffic Engineering** has approved the access controls. The plat proposes two street openings to 63rd St. South.
- G. The 32-ft narrow local residential street exceeds the 48-lot limit for loop streets. **A modification has been approved by the Subdivision Committee.**
- H. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all 64-ft through, non cul-de-sac streets.
- I. For Reserve B which includes a swimming pool, a site plan shall be submitted with the final plat, for review and approval by the Planning Director. The site plan shall include the information indicated in the Subdivision Regulations. Otherwise a conditional use and public hearing will be needed in the future.
- J. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- K. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.

- L. Since this plat proposes the platting of narrow street right-of-way with adjacent "15-foot street drainage and utility easements", a restrictive covenant shall be submitted which calls out restrictions for lot-owner use of these easements. Retaining walls and change of grade shall be prohibited within these easements as well as fences, earth berms and mass plantings.
- M. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- N. The applicant shall submit an avigational easement covering all of the subject plat and a restrictive covenant assuring that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.
- O. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for Lot 6, Block D. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **The Subdivision Committee has approved a modification.**
- P. **GIS** needs to comment on the plat's street names. **Vasser should be replaced with Vassar.**
- Q. If applicable, the recording information for the proposed pipeline easement shall be indicated on the face of the plat.
- R. Based upon the platting binder, property taxes are still outstanding. Before the plat is scheduled for City Council consideration, proof shall be provided indicating that all applicable property taxes have been paid.
- S. The signature line for the Deputy within the Register of Deeds certificate needs to be revised to reference "Tonya Buckingham".
- T. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- U. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- V. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- W. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- X. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- Y. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Z. Perimeter closure computations shall be submitted with the final plat tracing.
- AA. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- BB. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested additional easements.**
- CC. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: Approve subject to staff recommendations.

JOHNSON moved **BARFIELD** seconded the motion, and it carried (8-0).

2-2. **SUB2005-23 – One-Step Final Plat – OSBECK ADDITION, located west of Tyler Road and south of Kellogg.**

NOTE: This unplatted site has been approved for a zone change (ZON 2004-62) from SF-5, Single-Family Residential to LI, Limited

Industrial subject to platting.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sanitary sewer to serve the lots being platted. Fees in lieu of assessment regarding sewer main connection are required which may be included within the lateral petition.
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **City Engineering** needs to comment on the status of the applicant's drainage plan. **A revised drainage plan is needed that addresses drainage to the west.**
- D. The applicant shall replace "AT & SF Railroad" with the appropriate legal entity due to the railroad right-of-way being railbanked.
- E. **Traffic Engineering** needs to comment on the access controls. The plat proposes two openings to Seville and four openings to Harry. **Complete access control of 100 feet is needed along Harry and Seville extending from the intersection. The openings along Harry shall be at least 100 feet apart.**
- F. **City Engineering** has requested a petition to participate in the paving of Harry and Seville to industrial standards.
- G. **Traffic Engineering** has requested dedication of additional 5-ft right-of-way along Harry.
- H. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- I. The vicinity map needs to be corrected.
- J. The signature line for the Deputy within the Register of Deeds certificate needs to be revised to reference "Tonya Buckingham".
- K. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- L. The applicant shall install or guarantee the installation of all utilities and facilities that are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- M. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- N. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone: 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- O. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- P. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Q. Perimeter closure computations shall be submitted with the final plat tracing.
- R. Recording of the plat within 30 days after approval by the City Council and/or County Commission.
- S. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property.
- T. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: Approve subject to staff recommendations.

JOHNSON moved **BARFIELD** seconded the motion, and it carried (8-0).

2-3. DED2005-04 – Partial Dedication of Access Control, for property located north of 53rd Street North and on the east side of Meridian.

APPLICANT: Zach Woods, Zach's Car Wash, LLC, 3540 W Douglas, #3, Wichita, KS 67203

AGENT/SURVEYOR: Terry Smythe, Baughman Company, 315 Ellis, Wichita, KS 67212

LEGAL DESCRIPTION: Lots 2 and 3, Block 1, Leewood Heights 3rd Addition, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This dedication is associated with a lot split case (SUB 2004-54), and is being dedicated for access control along Meridian except for one opening on each lot.

STAFF RECOMMENDATION: Accept the Dedication.

MOTION: Approve subject to staff recommendations.

JOHNSON moved **BARFIELD** seconded the motion, and it carried (8-0).

2-4. DED2005-05 – Dedication of a Utility Easement and DED 2005-06 – Dedication of Street Right-of-Way, for property located south of 13th Street North and west of Meridian.

APPLICANT: Scott Karst, 3009 W. 11th Street, Wichita, KS 67203

AGENT/SURVEYOR: Tom Ruggles, Ruggles and Bohm, P.A., 924 N. Main Street, Wichita, KS 67203

LEGAL DESCRIPTIONS:

A) A 10-foot utility easement for that part of the west 148 feet of Lot 6, Valley Acres, Wichita, Sedgwick County, Kansas, lying east of the sanitary sewer easement recorded at Misc. Book 459, Page 168).

B) A 10-foot street right-of-way dedication for the south 10 feet and the west 30 feet of the west 148 feet of Lot 6, Valley Acres, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATIONS: These dedications are associated with lot a split case (SUB 2005-07), and are being dedicated for A) construction and maintenance of public utilities, and B) additional street right-of-way for a future street.

STAFF RECOMMENDATION: Accept the Dedications.

MOTION: Approve subject to staff recommendations.

JOHNSON moved **BARFIELD** seconded the motion, and it carried (8-0).

❖ **PUBLIC HEARINGS – VACATION ITEM**

3-1. VAC2005-05 – Request to Vacate a Portion of Platted Street Right-of-Way.

APPLICANTS: AGENT CAP Partnership ABC LLC
Doug Maryott (Agent)

LEGAL DESCRIPTION: That portion of Heather Road as originally platted between Lots 7 & 6, the Ruth Addition, Wichita, Sedgwick County, Kansas, minus that portion of Heather Road acquired for improvements to Kellogg Avenue

LOCATION: Generally located east of Rock Road and north of Kellogg Drive
(Council District II)

REASON FOR REQUEST: Revert to private uses

CURRENT ZONING: The site is public right-of-way. The abutting eastern and western properties are zoned "LC" Limited Commercial, the adjacent northern properties are zoned "SF-5" Single-family residential and the southern property is public street ROW, Kellogg Drive and Kellogg Avenue

The applicant is requesting vacation of the portion of Heather Road, as previously described. The remaining portion of ROW intersects Kellogg Drive on its south side and ends approximately 140-feet short of its intersection with Peach Tree Lane on its north end. The applicants own the western and eastern properties, abutting the proposed vacated portion of Heather Road. Vacating this portion of Heather Road would make Heather Road a 140-foot long dead end street, which it is for all practical purposes as Public

Works has erected a barricade in the general area of the vacation request. The remaining northern dead end portion is bound by a single-family residences on its west and east sides; Lot 6, Block 6, & Lot 1, Block 7, all in the Bonnie Brae Addition, which is where this portion of Heather ROW was platted. The Bonnie Brae Addition recorded with the Register of Deeds June 18, 1953. Vacating this portion of Heather Road would also seal off traffic coming off the Kellogg Drive commercial corridor into the single-family residential development north of it. There are franchised utilities, sewer and water lines in the ROW. The portion of the Heather Road ROW that is proposed to be vacated was dedicated on the Ruth Addition, which was recorded with the Register of Deeds July 15, 1959.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate the portion of the Heather Road ROW, as described with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time March 3, 2005 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted street ROW and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of the portion of the platted Heather Road ROW described in the petition should be approved with conditions:
- (1) Retain the vacated Heather Road ROW as a utility easement where public or franchised utilities are located or retain the whole vacated ROW as a utility easement. Provide a metes and bounds description of that portion of the vacated ROW retain as a utility easement, if the whole vacated ROW is not retained as a utility easement.
 - (2) Vacate the platted 20-foot street side yard setback and what remains of the platted 50-foot front yard setback on Lot 1, McDonald's First Addition, which was originally platted as Lot 7, the Ruth Addition.
 - (3) Provide a guarantee for closure of the return(s) and continuation of the curbs.
 - (4) If needed, provide dedication of complete access control, as recommended by the Traffic Engineer.
 - (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
 - (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
 - (7) Per the UZC, solid screening shall be provided between the "LC" properties and the "SF-5" properties.
 - (8) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Retain the vacated Heather Road ROW as a utility easement where public or franchised utilities are located or retain the whole vacated ROW as a utility easement. Provide a metes and bounds description of that portion of the vacated ROW retain as a utility easement, if the whole vacated ROW is not retained as a utility easement.
- (2) Vacate the platted 20-foot street side yard setback and what remains of the platted 50-foot front yard setback on Lot 1, McDonald's First Addition, which was originally platted as Lot 7, the Ruth Addition.
- (3) Provide a guarantee for closure of the return(s) and continuation of the curbs.
- (4) If needed, provide dedication of complete access control, as recommended by the Traffic Engineer.
- (5) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants.
- (6) All improvements shall be according to City Standards, including any driveways from private property onto public ROW.
- (7) Per the UZC, solid screening shall be provided between the "LC" properties and the "SF-5" properties.

- (8) All conditions to be completed within 6 months of approval by the MAPC or the vacation request will be considered null and void. All vacation request are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the vacation order and all required documents have been provided to the City, County or franchised utilities and recorded with the Register of Deeds.

WARNER We have a request from the applicant to defer this item until April 14th.

JOHNSON Bill, do you know the reason for the request of deferral?

LONGNECKER I called Mr. Maryott and asked if there was a reason beyond what we received on the letter for deferral, and he simply said that he and his partners are asking for the additional time and gave no additional information.

MOTION: Defer the case to the MAPC meeting of April 14th.

HENTZEN moved **DOWNING** seconded the motion, and it carried (8-0).

❖ **PUBLIC HEARINGS – ZONING ITEMS**

4. **Case No.: CUP2005-09 DP282 Associated with (ZON2005-06)** – PMA Inc., c/o Paul J. Foley Jr., MKEC Engineering Consultants Inc., c/o Greg Allison (agent) Request The Creation of the Foliage Center Commercial Community Unit Plan; and Zone change from "SF-5" Single-family Residential to "LC" Limited Commercial on property described as;

CUP LEGAL ONLY

A tract of land in the East half of the Southeast Quarter of Section 8, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence along the South line of said Southeast Quarter as shown on Kansas South Zone Grid bearing of S 89 degrees 04'47" W, 75.00 feet; thence N 00 degrees 53'35" W, 75.00 feet to the point of beginning; thence S 89 degrees 04'47" W, 175.00 feet; thence S 80 degrees 32'57" W, 101.12 feet to a point lying 60.00 feet North of said South line; thence S 89 degrees 04'47" W, 270.01 feet; thence N 00 degrees 53'34" W, 356.89 feet; thence N 89 degrees 04'47" E, 20.00 feet; thence N 43 degrees 08'45" E, 90.57 feet; thence N 89 degrees 04'47" E, 99.83 feet; thence N 26 degrees 32'56" E, 133.03 feet; thence N 89 degrees 04'47" E, 48.13 feet; thence N 00 degrees 53'35" W, 32.10 feet; thence S 89 degrees 04'46" W, 10.64 feet; thence N 00 degrees 53'34" W, 127.90 feet; thence N 89 degrees 04'47" E, 278.42 feet to a point lying 60.00 feet West of the East line of the Southeast Quarter; thence S 00 degrees 53'34" E, 410.01 feet; thence S 07 degrees 38'16" W, 101.12 feet; thence S 00 degrees 53'34" E, 175.00 feet to the point of beginning.

ZONING LEGAL ONLY SF-5 to LC

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 350-foot radius of:

A tract of land in the East half of the Southeast Quarter of Section 8, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of said Southeast Quarter; thence along the South line of said Southeast Quarter as shown on Kansas South Zone Grid bearing of S 89 degrees 04'47" W, 600.00 feet; thence N 00 degrees 53'35" W, 60.00 feet to the point of beginning; thence parallel with the said South line, S 89 degrees 04'47" W, 20.00 feet; thence N 00 degrees 53'35" W, 356.89 feet; thence N 89 degrees 04'47" E, 20.00 feet; thence S 00 degrees 53'35" E, 356.89 feet to the point of beginning

TOGETHER WITH

A tract of land in the East Half of the Southeast Quarter of Section 8, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, more particularly described as follows:

Commencing at the Southeast corner of the Southeast Quarter; thence along the East line of said Southeast Quarter as shown on Kansas South Zone Grid bearing of N 00 degrees 53'35" W, 600.00 feet; thence parallel with the South line of said Southeast Quarter S 89 degrees 04'47" W, 60.00 feet to the point of beginning; thence S 89 degrees 04'47" W, 267.78 feet; thence N 00 degrees 53'35" W, 32.10 feet; thence S 89 degrees 04'46" W, 10.64 feet; thence N 00 degrees 53'35" W, 127.90 feet; thence N 89 degrees 04'47" E, 278.42 feet to a point lying 60.00 feet W of said East line; thence S 00 degrees 53'35" E, 160.00 feet to the point of beginning. Generally located North of 13th Street North and west of Webb Road.

BACKGROUND: The applicant requests a zone change from SF-5 to LC, Limited Commercial on two tracts: 1.01 acres located along North Webb Road, and .16 acres (a 20-foot wide strip) located along East 13th Street North. These two tracts are adjacent to an existing 5.97 acre tract that is currently zoned LC. The applicant desires to combine all three tracts to create DP-282, The Foliage Center Commercial Community Unit Plan proposed for commercial use. The property is located west of Webb Road and north of 13th Street North. The site is currently vacant, and has extensive berming and landscaping.

The applicant proposes a 7.14-acre C.U.P with two parcels. Parcels 1 (6.22 acres), and 2 (.92 acres) are both proposed for "LC" Limited Commercial and "GO" General Office uses, except: adult entertainment, residential use, cemetery, church or place of worship, school K-12, college or university, community assembly, convalescent care facility, group home, hospital, recycling process center, reverse vending machine, pawn shop, utility, car wash, construction sales and service, nightclub, tavern and drinking

establishment, vehicle repair, vocational school, wireless communication facility, asphalt or concrete plant, or storage. Proposed access to 13th Street North is with one full movement opening and one right-in/right-out only opening. Proposed access to Webb Road is with two full movement openings. Proposed access points do not meet the City of Wichita Access Management Policy.

Signs along and adjacent to 13th and Webb are proposed to be monument signs with a maximum height of 20 feet. Three development signs are proposed (one along 13th and two along Webb) to be limited to a maximum of 100 square feet each, and contain the development name only. Three business use or name identification signs are proposed on Parcel 1 and two on Parcel 2. Business use or name identification signs shall be limited to a maximum sign area of 150 square feet. The requested minimum distance between signs shall be 150 feet, except business use or name identification signs may be located a minimum of 75 feet from an adjacent development sign. Building signage shall be limited to 20% of the wall area with a maximum size of 150 square feet per elevation for one sign or may be divided into a maximum of three signs, 70 square feet per sign per elevation. No flashing, moving, portable, billboard, banner, or pennant signs shall be permitted (except for signs showing time and temperature).

All buildings in the CUP are proposed to share a uniform architectural character, color, and the same predominate exterior building material, as approved by the Director of Planning. Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accents, and must employ materials similar to surrounding residential areas. A five-foot masonry wall easement is proposed along the entire west and north boundary of the site. Maximum building coverage is 30% for both parcels, and maximum gross floor area is 35%. Maximum height is 35 feet / two stories for both parcels with a maximum unoccupied architectural element height of 50 feet. All new utilities are to be placed underground. Setbacks, parking, screening and landscaping are proposed to meet existing codes; in addition all parking lots are proposed to provide parking lot landscaping equivalent to one tree per 20 parking spaces. The applicant proposes limiting outdoor music and trash removal to the hours 9 am and 10 pm.

North of the application area is SF-5 zoned vacant property (under the same ownership as the application area), a residential subdivision reserve, and residential development. South of the application area is a GO General Office and LC zoned office park. Further south, the Collegiate School fronts Webb Road. East of the application area is the LI Limited Industrial zoned Waterfront commercial development and lake. Also east of the site, and south of 13th Street is the LI zoned Raytheon manufacturing complex and lake. West of the application area is SF-5 zoned property and a private drive under the ownership of the applicant, and SF-5 zoned residential development on the north side of 13th Street. Also west of the site, and south of 13th Street is the Collegiate School.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-Family	Vacant, single-family residential
SOUTH:	"LC"	Limited Commercial Office park, school	
	"GO"	General Office	
EAST:	"LI"	Limited Industrial	Commercial and office development, Industrial complex
WEST:	"SF-5"	Single-Family	Private drive, single-family residential, School

PUBLIC SERVICES: 13th Street North and Webb are both four-lane arterials at this location, with a central turn lane at the intersection. Existing half width right of way (ROW) on 13th Street North is 50 feet tapering to 75 feet at the intersection. The CUP proposes a 10-foot dedication on this portion of 13th Street. Existing half width ROW on Webb is 60 feet tapering to 75 feet at the intersection.

Current traffic counts on 13th Street North at this location are 9,619 vehicles per day. Current traffic counts on Webb at this location are 16,338 vehicles per day. The 2030 Transportation Plan calls for 13th Street and Webb to remain four-lane arterials at this location, the CIP does not have any future projects for this location.

Proposed access to 13th Street North is with one full movement opening and one right-in/right-out only opening. These proposed openings on 13th are 156 feet apart, and the right-in/right-out opening is 95 feet from the intersection. Proposed access to Webb Road is with two full movement openings, separated by 175 feet and 285 feet from the intersection. These proposed access points do not meet the City of Wichita Access Management Policy.

The CUP proposes that guarantees for street improvements be determined at the time of platting.

All other normal public services are available on the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the rezoning application area as appropriate for "low density residential" development. It identifies the LC zoned portion as appropriate for "commercial" development.

The Commercial Locational Guidelines of the Comprehensive Plan recommend that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas.

The City of Wichita Access Management Policy requires that a 75-foot ROW extend 250 feet from arterial intersections, and the tapering to 60 feet extend for 100 feet. The policy calls for a 25-foot by 25-foot "corner clip" at arterial corners. The policy also requires that right-in/right-out openings be spaced a minimum of 200 feet from other openings, and that full turning movement openings be 400 feet from arterial intersections.

The City of Wichita Sign Code requires that spacing between signs at this location be 150 feet.

RECOMMENDATION: The proposed zone change is not in conformance with the "Wichita Land Use Guide" recommendation of low-density residential use. The zone change and CUP are in conformance with the commercial locational guidelines of the plan. The application area is buffered from most existing single-family residential uses by SF-5 zoned property under the ownership of the applicant. The proposed rezoning increases the overall commercial zoning at the site by 19.6%, which could have a proportional increased traffic impact on the surrounding areas. This increase in commercial zoning for a commercial CUP is smaller than most similar applications.

The requested number of access points and their spacing does not meet the Access Management Policy, nor does the proposed ROW configuration. This is of some concern, as traffic from the proposed development would impact the nearby school. Proposed signage spacing exceeds that allowed by the Sign Code.

Recommendations are intended to be consistent with established policies and with recommendations on similar recent developments. Staff was contacted by representatives for residential neighbors and representatives of Collegiate School concerning this case. Both were opposed to the zone change request and commercial development.

The District Advisory Board, DAB II, will hear this request at their regular hearing on April 4th, 2005.

Based on these factors, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2005-06) to "LC" Limited Commercial;
- B. APPROVE the Community Unit Plan DP-282 (CUP2005-09), subject to the following conditions:
 1. Transportation requirements:
 - a. All CUP right-of-way improvements and openings shall be configured to meet the requirements of the Access Management Policy, with the exception that a full movement opening on 13th Street shall align with the opening on the south side of 13th Street. This shall be the only opening onto 13th Street. Center turn lane improvements on arterial streets, and right-turn lane improvements shall be based on access to openings, and shall be set by the Traffic Engineer. The Traffic Engineer and Director of Planning shall approve the reconfigured right-of-way and openings.
 - b. General Provision #13b shall be amended to state: "Guarantees for street improvements on Webb Road and 13th Street North shall be determined by the Traffic Engineer at the time of platting."
 1. General Provision #6 shall be amended to eliminate the words "along Village Parkway."
 2. General Provision #7b shall be amended to add the sentence: "Screening material shall be consistent in material and color with the supported buildings."
 3. General Provision #9f shall be amended to reduce the number of business use or name identification signs on Parcel 1 from three to two.
 4. General Provision #10d shall be amended to add the sentence: "Light poles shall be reduced to 14 feet when within 100 feet of residential zoning."
 5. General Provision #14 shall be amended to add the following sentence "A drainage plan shall be submitted to the City Engineer for approval. Required guarantees for drainage shall be provided at the time of platting improvements."
 6. A General Provision shall be added to state: "A pedestrian circulation plan shall be approved by the Planning Director prior to the issuance of building permits. Said plan shall link all buildings in the development with the arterial sidewalks on Webb Road and 13th Street North."
 7. A General Provision shall be added to state: "Fire lanes shall be in accordance with the Fire Code of the City of Wichita. No parking shall be allowed in said fire lanes, although they may be used for passenger loading and unloading. The Fire Chief or his designated representative shall review and approve the location and design of all fire lanes. Fire hydrant installation and paved access to all building sites shall be provided for each phase of construction prior to the issuance of building permits."
 8. The north and west building setback shall be increased from 30 feet to 35 feet.
 9. All property included within this C.U.P. and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
 10. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-282) includes special conditions for development on this property.
 11. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: A mix of zoning exists in the neighborhood, ranging from SF-5, GO, LC and LI. Uses are mixed as well, reflecting the mixed zoning pattern: vacant, single-family residential, office, school, retail commercial, and industrial. Webb Road and 13th Street have been rapidly developing corridors with a mix of established uses and recently developing uses. The application area is one of the last few vacant arterial street corners in the area.
2. The suitability of the subject property for the uses to which it has been restricted: The property to be rezoned could be developed with single-family use as currently zoned. However, frontage on major arterial roads may not be attractive for single-family residential development. The property already zoned LC could be developed for commercial uses as zoned; however, the Unified Zoning Code requires a Community Unit Plan for commercial developments of 6 acres or larger.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Rezoning and commercial development could have a negative effect on the single-family residential uses west and north of the site. However, road improvements (according to the Access Management Policy), parking lot lighting shielded away from residential use, signage limitations (according to City code), screening, and landscaping requirements should mitigate that impact. Increased commercial zoning could increase traffic at this site and impact surrounding uses, such as the residential neighborhood, office park, and school. The proposed conformance to the Access Management Policy should mitigate any potential negative effects. The zoning and development pattern proposed is typical of land located at the intersection of two arterial streets in Wichita.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies the rezoning area as appropriate for "low density residential" development, which is not in conformance with requested zoning. The proposed development is in accordance with the commercial locational guidelines of the plan. The request is not in conformance with the Access Management Policy and Sign Code, but can be modified to meet the requirements of these documents.
5. Impact of the proposed development on community facilities: The proposed development could result in increased traffic on this portion of 13th and Webb. As requested, this proposal would not adequately mitigate traffic increases and associated problems. Staff proposed modifications in accordance with the Access Management Policy would mitigate turning conflicts at this location. Of particular concern would be turning traffic on 13th Street and its effect on the nearby school. The staff proposed limit of one opening on 13th, and alignment of that opening with the opening on the south side of 13th will minimize conflicting turning movements. Likewise, overall conformance to the Access Management Policy will minimize potential traffic conflicts.

1. Staff has met with the agent for the applicant and the Traffic Engineer on this case. Staff recommends the following modification to the Staff Report Condition 1.a:

"One full movement access point on 13th Street shall align with the opening on the south side of 13th Street. Two full access points on Webb Road shall be as demonstrated by the applicant. Center turn lane improvements and accel/decel lane improvements shall be based on access to openings, and shall be set by the Traffic Engineer. The Traffic Engineer and Director of Planning shall approve the reconfigured right-of-way openings."

2. BACKGROUND: Staff and the Traffic Engineer find the above stated access points acceptable because of the unique features of this site. Given the site frontage of approximately 544 feet on 13th, and 685 feet on Webb, the applicant could have two access points on 13th and three on Webb, in accordance with the Access Management Policy. The applicant is choosing to reduce the total number of access points, and align the access on 13th with an existing driveway. The two proposed access points on Webb do not meet policy spacing requirements, but are further from the 13th intersection than the policy requires. Likewise, with the Waterfront Lake on the east side of Webb, no conflicting turning movements will ever exist.

3. RECOMMENDATION:

Staff continues to recommend that the application be approved subject to staff comments, including the above stated change to Condition 1.a.

JESS MCNEELY Presented the staff report and provided an additional memo from staff revising condition 1a. He also noted that staff had been contacted by Wichita Collegiate School and the neighbors, and they are concerned about traffic. He reported that traffic counts on this site showed that, on 13th Street, the count was 9,619 cars per day, and on Webb Road there are 16,338 vehicles per day. The 2030 Transportation Plan and the CIP (Capital Improvement Plan) do not project either one of these arterial streets as becoming future five lane arterial street for their length, although we can discuss improvements at the intersection that would bring this to 5 lanes with a central turn lane as well as accel/decel lanes.

BARFIELD I find it unusual with a traffic count of 16,338 vehicles on Webb Road and a 40 mph speed limit that there is no school zone sign in that area. On your recommendations, you say that the proposed zone change is not in conformance with the "Wichita Land Use Guide" and then in the next paragraph you say that the requested number of access points and their spacing do not meet the Access Management Policy, nor does the proposed right-of-way configuration. Based on that, why would you be recommending approval?

MCNEELY The Land Use Guide of the Comprehensive Plan always designates any property that is currently zoned "SF-5" Single-family Residential as recommended for low-density residential. We have resolved the right-of-way configurations with the applicant. There are a couple of dimensional requirements of the Access Management Policy that will not be met or will not be proposed to be met in this case, if we look at what they have submitted. Generally, for a full movement opening both left/right turns we would require a full 400 feet from the intersection separation. In this case, the traffic engineer Paul Gunzelman has recommended that the full movement opening align with the opening on the south side of 13th Street. Likewise, the two openings that you see on Webb Road, on the east side of the site, these two would not have a full 400 feet between them, and they are both requested as full movement openings. However, this entire frontage on Webb Road could have three openings and the applicant has chosen to forgo a right-in/right-out opening, which could be within 200 feet of the intersection. On the east side of Webb Road is the Waterfront Lake, and none of that will ever be developed. Therefore there will be no conflicting turn movements. Likewise, any northbound traffic on Webb that wants to make a left turn into this development, if we limited this to only one access point that was full movement, and limited the other one to right-in/right-out as the Access Management Policy by its verbiage would require, we would channel all left turns into one of these openings, probably this middle one. By allowing both of these full movement access points, the traffic engineer and the engineer for the applicant feel that this is a better traffic solution than going by the strict requirements of the Access Management Policy.

BARFIELD Were you recommending approval before you made the change that you are wanting?

MCNEELY We were recommending approval subject our original 1a. After meeting with the applicant and the Traffic Engineer we made that change. The only real change that took place between the original 1a and the revised 1a is that their northernmost access point would be full movement. We were originally recommending that be right-in/right-out, and both engineers agreed that it would be safer for traffic to have a full movement at that point.

BARFIELD Is it the opinion of the traffic engineer that with this much traffic on Webb Road that there would be a reason for a school light?

MCNEELY That is an issue that has been discussed. They do have a school zone as well as a pedestrian light further west of here, on 13th. I know the school has asked for a similar situation further south on Webb, being this development is north of Webb, I can see how increased traffic at this site would increase the need for improvements further south of this intersection on Webb in relation to the Collegiate School.

BISHOP Clarify what the area is that is being changed from SF-5 to 'LC'?

MCNEELY Yes (points on the map).

GENE RATH MKEC I represent the contract purchaser. We met with staff and we are in agreement with all of the recommendation from staff. We would like to point to condition 10, about the platting being done within one year. Normally staff will be agreeable to make extensions to that one year, but never the less, one year is a typical requirement. We bring it to your attention because there is a contract to buy the property but the seller has the option to close up to four years. It may close earlier than that but it is his option. The thought is to file a preliminary plat right away but not do the final plat until the property actually closes, and changes hands. That is the reason why we would ask for some consideration of an extension past the one-year, like I said up to four years.

I happen to work in this area and jog through here ever day. There is a lot of traffic on Webb Road, but the city policy on school zones is that they are placed in front of elementary schools, not junior high, or high schools. There is a signal and zone on 13th Street west of Webb Road. I think the more problem area, from my experience, is the entrance to the high school on Webb Road is a concern to some, but it wouldn't be typical for the city to put reduced speed limit signs for a high school.

Commissioner Bishop Asked about the boundaries of the zoning change. She also noted on the west that it related to the drive issue that was brought up, and in order to try and line up the drive, which we support and makes sense, and to provide an access island. She also noted some employee parking on the west side of the farthest west building, and to provide a landscape buffer between this property and the residential zoned property, we asked for an additional 20 feet of zoning on which to put part of the parking lot, so that is the reason for the 20 feet?

BARFIELD According to the president of the Collegiate School they have students that range from ages two through grade 12, so I don't think that makes this a high school.

RATH That is true. My understanding is that the grade school is more to the west along 13th Street, and the high school access is more off of Webb, and the elementary students come in and out on 13th Street where there is a pedestrian signal and a school zone.

WARNER Is there a procedure for plat extensions beyond the one-year?

DALE MILLER The first request is administrative, and it can be granted for six months, and then any additional extensions have to go to the governing body. I can't think of one that has been denied, and I can think of one applicant who had 12 extension and he holds the record.

WARNER It does not come back to this body?

MILLER No.

BARFIELD Is the initial request for an extension made here?

MILLER No, it is done administratively by the Director of Planning.

BISHOP There are plats that have lapsed though, are there not, due to lack of action?

MILLER There have been some but I can't think of any.

WARNER Is there any kind of notice that this goes out from staff that their year is almost up or is that up to the applicant?

MILLER We keep track and send them letters, and on some vacation cases I have gotten frustrated to the point that we have closed cases that are five years old because nobody has done anything, and we have finally sent them a fourth letter saying we haven't heard from you so we are closing them. We give people ample opportunity to respond and do something.

MITCHELL If a preliminary plat is filed within the year what is the time frame for a final plat?

MILLER I believe they have five years.

BOB BUFORD 9176 E 13TH 67206 I live immediately west of this project. My wife Martha is here today as well. I have a question if they are going to rezone this and this (pointing to two areas on the map), why aren't they rezoning this area here back to single-family residence?

WARNER They will have rebuttal time, you continue with your questions.

BUFORD That is my question.

PHIL NEFF 1440 N. GATEWOOD #55, 67206 Country Place is a development of about 117 homes. I am not here to speak directly in opposition to the proposed development but I am here to ask your consideration of two issues that I believe that this development represents for our homeowners. We have a Homeowners Association at The Greens. I am the President of that Association. There is only one area of ingress/egress out of Country Place, and that front onto 13th Street, immediately south of the ingress/egress roads into Country Place, which is separated by an island. There is a similar ingress/egress into LakePoint. The successful development of the Waterfront, the ongoing development of the entertainment district at Greenwich on 13th Street called Plazzo has significantly increased the traffic on 13th Street. The success of Collegiate School, their increased enrollment continually adds cars on 13th Street. What is happening on the ingress/egress routes into Country Place and LakePoint is a problem that you almost have to see to understand. What happens is that as people are traveling east and west they find themselves wanting to turn, one turning south, and one turning north. Often times these are SUV's with darkened windows, and they sit there in a standoff position, one or both get impatient just in time to get hit by an oncoming car. The accidents are increasing in number. This is a safety issue. The Planning Department has said that the traffic flow is inadequate to put up a stoplight. Maybe a turn lane is a better issue.

The second issue is that we want to request again the drainage issues created by this development. I am not knowledgeable about how to do this, but the things that we have all seen in this community of flooding on the west side created by water flow and drainage issues from new developments that have flooded residential homes. We are not going to see a flood in the Greens. What we do have is an existing water issue where we don't have good water flow. All we would like to ask is that MKEC address it; that the drainage plan not divert water west because we are concerned about surface water flow coming in our direction.

MCKAY in at 2:37 P.M.

THOMAS W. DAVIS, President, Wichita Collegiate School Our concern is the safety of our children and the families and the traffic flow on 13th and Webb Road. Our campus is an "L" shaped campus. We have two entrance and egress points, one on 13th Street and one on Webb Road. The campus is inter-connected with a road so that traffic can enter on 13th or Webb and exit in either place. There are over 900 students that come onto our campus everyday, and almost all of them come in a parent's vehicle, or high school students driving themselves. Our concern as being expressed is the traffic amount on 13th and Webb Road. We have our school zone on 13th Street but, again, it is something that you almost have to witness personally to see the kind of traffic congestion that occurs at our dismissal and our arrival times. Our exiting will be even more difficult turning north with an increase in traffic. Our high school children are inexperienced drivers and we caution them to be careful, and it is 40 miles per hour there, and there are no traffic signals there to slow down traffic. We do have many events that generate traffic at the schools as well. This continues to be a concern for us.

BARFIELD Would it be your understanding that the high school students use the 13th Street entrance as well as the Webb entrance?

DAVIS They can enter at either point. Often times they are bringing younger siblings and dropping them at the lower school grades and then continuing on over to the high school. They can come on and off our campus at either entrance but usually the Webb Road entrance is used.

STEVEN CLARK, 1625 N. Gatewood, 67201 I am the developer of the property. On the commercial zoning issue, it was our intent to downzone that, and we thought that was going to be downzoned as a result of this case. We have talked to the Homeowners Association out there and we are going to meet with the sellers of this property in the morning and try to get them to agree to a covenant against any commercial use on that particular portion of the property. The site plan as you saw it there earlier is much less square footage and intensity of development that could have been developed on this site had we just put it in the red box there as well. So our development is not overdeveloping the site. A lot of these changes have been requested as a result of lining up driveways, having adequate parking in certain areas, and we are the developers of the Waterfront property and we have tried to be sensitive to all of the community and neighborhood issues and concerns as they might relate to this property, as well as the others. I would question the traffic numbers that were stated for this small retail property that will eventually go there - the number of trips per day, the 4500 to 5000 cars that it would generate. I would say that I think that is a large number, because if we only have 300 parking stalls in that whole property they would have to turn over many times during the day, and in our experience that would be one of the busiest retail centers in the whole city if we had that kind of traffic generated. I also live in the Greens, and there are traffic problems along 13th Street but in general this is a low traffic situation because you have no retail development on this side of the intersection and you have low intensity development with the Country Place Office building. So in general it is not an intense development corner. There has been some additional traffic as a result of the Waterfront development but in general all of the traffic is coming from the school and Raytheon so it is not the retail development that is generating the problem out there.

TAPE CHANGE

We have met with the Homeowners Association and several of the residences over there, they have large investments in their properties, and they are very expensive homes, and we have tried to be sensitive to those needs. We are actually buying a total of 16 acres right here. This piece of ground that you see this landscape berm on is a site for four residential lots. We have met and agreed with the Homeowners Association, and are giving them a letter that we are going to give them this piece of ground right here so they can have that as a buffer to the main entrance to Foliage development, and we are also going to build that berm, and landscape the berm so as you are driving into the Foliage area there it is a very nice residential neighborhood that you will not be able to see, and it will certainly buffer that very well.

MITCHELL I had an exparte contact, and I did not form an opinion based on that discussion.

MCKAY I had exparte contact as well, and I did not form an opinion based on that discussion.

MCKAY Jess, the concern is the traffic that is generated by the new shopping center across the street and the school to the south. Couldn't the school petitions or ask the City to put a stoplight at their entrance coming off onto Webb Road to slow that traffic so they would have access in and out?

MCNEELY Yes, they could and they essentially asked the City for a traffic study, and at the time the traffic engineer did that study and determined at that time that a light signal was not necessary. I believe what the school is discussing is that they would probably have grounds to request another traffic study in light of this development.

MCKAY If this is such a burning problem with the school they could request and pay for a stoplight to get in and out of that project?

MCNEELY I couldn't verify that right now.

SCHLEGEL We would have to ask traffic engineer.

MITCHELL Would you put up the zoning map again, based on the red area which is already zoned "LC," what is the difference between traffic generated from that and what we have proposed today.

MCNEELY The actual increase in percentage of "LC" zoning is 19.6 so they are increasing their area by less than 20%.

MITCHELL That wasn't my question. You provided a number of trips estimated what this project would generate, what is your estimate of what the red area would generate?

MCNEELY Without the additional rezoning, if our transportation planners estimated and that is based on maximum 35% floor area ratio that this development would generate 4,800-5,500, so subtract off the portion to be rezoned by 20%.

MITCHELL Couldn't they develop the red area to a greater density than is being proposed for this site?

MCNEELY Thirty-five percent is the maximum of what would be permitted by the zoning ordinance under a CUP.

MITCHELL You think 20 percent off of the numbers would be the estimate for the red area?

MCNEELY Yes.

BISHOP What about the drainage concerns? Can you explain, is the area directly west available for drainage? Is that an area for a swale?

MCNEELY I would like the engineer for the applicant to answer that question.

RATH The general lay of the land is higher on the north and west, and lower on the south and east, and in fact some of the pictures show a berm around the site behind the curb about 50 feet on both streets, and it drains now to the southeast corner of that property and it is piped under Webb Road over to the lake on the east side. The general drainage plan when this is developed will be similar. Mr. Neff expressed concerns about draining to the west and none of the drainage will go to the west or to that area that Mr. Clark mentioned that would be bermed and given back to the Foliage Homeowners Association. It will all drain to the east and to the south and it would be piped, what run off is allowed, over to the lake as it is today.

BISHOP If we approve this and as it goes forward for platting and so forth there will be an interest on the part of the same neighbors as to the platting process and the drainage plan that is formulated at that time, will there be any notice to the neighbors?

MILLER The applicant is to put up a sign prior to the plat going to the Subdivision Committee but we don't send out notices to the property owners.

BISHOP So the neighbors need to watch for the signs.

MILLER Mr. Mitchell we did some calculations, about every acre will generate about 630 additional trips. That is just the white parcel.

MCNEELY That is the addition if you want to look at it as additional LC zoning that would be the additional trips.

MITCHELL The red parcel is not in the proposal.

SCHLEGEL This is a point of clarification on those calculations. That is at the maximum development potential of the site, not the number of trips. We are not estimating the number of trips for the site plan that they are showing.

MCNEELY No, the site plan that they are showing, is significantly less than 35% floor area ratio.

MITCHELL The maximum development of the red area as opposed to what is being proposed.

MCNEELY About 4,500 to 5,200 would be the difference.

SCHLEGEL First of all you estimated the number of trips for the already zoned LC area, and that was that 4,500 to 5,200 range, correct?

MCNEELY What has been requested by the CUP is the total 7.14 acres.

SCHLEGEL So the total area that would be zoned LC is the 4,500 to 5,200 range?

MCNEELY I believe what Mr. Mitchell is trying to distinguish is a difference between what the property could be developed as right now under its existing zoning as opposed to what is being requested with the additional LC zoning as a part of the CUP. I believe the number that we are coming down to is a difference of about 300 cars per day.

MITCHELL But not at the rate of development that is being proposed by this site.

MCNEELY This site plan, which they are not tied to, would be less than that because this site plan is not at the percentage of 35% floor area ratio.

STEVE CLARK We calculated that we could build up to 105,000 square feet on the site at maximum development. Our site plan allows for about 60,000 square feet or roughly 60% of the maximum. If those traffic counts are based on maximums then I would look at it like 4,800 X 60 percent, and that is probably your number, not less than 300 cars. I think that is more realistic.

HENTZEN We had the same problem at Carroll High School and they had one opening on Central, and one opening on the east road and it was in and out, and there was no control, and about two years ago they put a light on Central and it is the best thing the traffic department has ever done because now you can get the traffic stopped. When will we know if that light if it is going to cure it. Maybe they should put it in.

MOTION: To approve the application subject to the changes recommended and agreed upon with staff and the applicant to Condition 1a.

MITCHELL moved **JOHNSON** seconded the motion, and it carried (9-0).

5. **Case No.: CUP2005-08 DP256 Amendment #1** – Jelco, LLC (& Fashion Ventures, LLC, Security Garden, LLC, and Don and Karen Baxter, (owners); PEC c/o Rob Hartman (agent) Request Amendment to The Collective Commercial Community Unit Plan on property described as;

Lots 1, 2, 3, 4 and 5, Block 1, and Reserves A, B, and C, The Collective Addition, Wichita, Sedgwick County, Kansas.
Generally located South of 21st Street North between K-96 and Founders Street.

BACKGROUND: The applicant requests an amendment to DP-256 The Collective CUP to change signage provisions. The subject property is zoned "LC" Limited Commercial and is located south of 21st Street North between K-96 and Founders Street. A commercial center with freestanding retail uses, banks and other commercial businesses is being developed. Approximately one-fourth of the site is currently under construction and the remaining land is vacant.

The applicant proposes to amend General Provision #6 to allow fully programmable message center signs. Section 24.04.185.k. of the Sign Code indicates that an electronic message sign shall be classified as an animated, flashing, or moving sign when the rate of copy and/or graphic changes is more than one per second. Since the proposed electronic message sign would display animated, flashing, or moving images and text, as defined by the Sign Code, an amendment of the CUP is needed. An electronic message sign for which images and text change no more often than once per second is permitted by right on the subject property.

The sign permit for a sign with a fully programmable message center feature is pending on Parcel 1, and the developer would like the ability to add one or two additional fully programmable message center signs. The proposed language for General Provision #6 clarifies that other types of movement, including rotating or moving signs, signs with moving lights, or signs that create illusions of movement are prohibited on the CUP.

The developer also has requested to replace the entry marker ground signs originally planned for both sides of the major entrances with a taller (from 8 feet to 25 feet in height) and larger (from 20 square feet to 150 square feet each) ground signs located in the median (reserve) of the private drive at its intersection with 21st Street North and Founders Street. With the change to the taller entry marker at the major entrances, the developer eliminated a 35-foot sign originally allowed on the northeast corner of the CUP.

Finally, the developer has requested to increase the maximum sign face for the ground monument signs from 50 square feet to 60 square feet. Even with this increase, the monument signs remain relatively modest in size, well below that allowed in the "LC" district by the Wichita Sign Code.

K-96 forms the western boundary of the tract, and commercial use with "LC" zoning is approved for the property on the other side of K-96 although the property is currently vacant. A large church on property zoned "SF-5" Single-family Residential is located directly to the north. A high school on property zoned "SF-5" is located to the east. A large medical facility for Wichita Clinic is being constructed on the property to the south, which is zoned "GO" General Office. Several residences, on property zoned "SF-5" remain to the southeast.

CASE HISTORY: The property is platted as The Collective Addition, recorded January 9, 2002. DP-256 The Collective Commercial Community Unit Plan was approved July 10, 2001. An administrative adjustment was approved August 18, 2004 for minor adjustment to parcel and reserve boundaries to correspond to the platted lot boundaries and another adjustment was approved December 17, 2004 to divide Parcel 3 into two parcels.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Church
SOUTH: "GO" Medical office

EAST: "SF-5" School
WEST: "SF-5" Vacant

PUBLIC SERVICES: The proposed amendment pertains only to signage regulations and has no impact on public services.

CONFORMANCE TO PLANS/POLICIES: The Collective Commercial CUP (DP-256) currently prohibits signs with rotating or flashing lights on the subject property. Continuous movement signs violate the City of Wichita Sign Code standard adopted last year to clarify that LED type message boards may change messages so long as the messages are not changed more frequently than one second apart. The amendment in 2004 significantly shortened the previous time span from ten seconds. The proposed amendment is contrary to the City of Wichita Sign Code in this respect. The other changes requested are in conformance to the Wichita Sign Code.

RECOMMENDATION: The requested amendment to change the maximum size and height of ground signs remains at or below "LC" sign code provisions, and it is a modest increase over the amount already approved by the CUP. With respect to the fully programmable message center signs, two have been approved in other CUPs by MAPC recently, one for a sign very similar to the one requested for Parcel 1 and one for a wall sign. The technology for programmable signage has advanced and is creating an appearance markedly different to the older flashing, chasing and rotating signs. This amendment would continue to prohibit flashing, chasing and rotating signs and signs that create the illusion of movement other than the programmable sign.

Based upon recent decisions by MAPC to allow similar signs and information available prior to the public hearings, planning staff recommends that the request be APPROVED.

This recommendation is based on the following findings:

1. **The zoning, uses and character of the neighborhood:** K-96 forms the western boundary of the tract, and commercial use with "LC" zoning is approved for the property on the other side of K-96 although the property is currently vacant. A large church on property zoned "SF-5" Single-family Residential is located directly to the north. A high school on property zoned "SF-5" is located to the east. A large medical facility for Wichita Clinic is being constructed on the property to the south, which is zoned "GO" General Office. Several residences, on property zoned "SF-5" remain to the southeast.
2. **The suitability of the subject property for the uses to which it has been restricted:** A commercial center with freestanding retail uses, banks and other commercial businesses is being developed. Approximately one-fourth of the site is currently under construction and the remaining land is vacant. The property could be developed with the current signage restrictions.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** An animated, flashing, and moving sign would introduce a higher intensity of commercial signage than presently exists, but the surrounding property is primarily institutional, office or commercial and should be minimally affected by the changes.
4. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The Collective Commercial CUP (DP-256) currently prohibits signs with rotating or flashing lights on the subject property. Continuous movement signs violate the City of Wichita Sign Code standard adopted last year to clarify that LED type message boards may change messages so long as the messages are not changed more frequently than one second apart. The amendment in 2004 significantly shortened the previous time span from ten seconds. The proposed amendment is contrary to the City of Wichita Sign Code in this respect. The other changes requested are in conformance to the Wichita Sign Code.

MOTION: To approve.

JOHNSON moved **MCKAY** seconded the motion, and it carried (9-0).

6. **Case No.: DR2005-10** – Request The City of Park City seeks annexation of tracts of land located east of Broadway adjacent to The City of Park City

Background: On February 22, 2005, the City of Park City passed Resolution No. 589-2005 authorizing a public hearing on April 26, 2005 for the purposes of considering the unilateral annexation of several tracts of lands located east of Broadway and north of 93rd and 101st Streets, adjacent to the City of Park City.

The proposed annexation tracts south of 101st Street fall within the Small City Growth area as designated within the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in 2002. Those annexation tracts north of 101st Street fall outside the Small City Growth area designations. The subject annexation tracts fall within Park City's future growth area as identified in their adopted Comprehensive Plan.

Prior to unilaterally annexing property, Kansas statutes require that a plan be prepared indicating the means by which city services will be extended to the area proposed for annexation. The City of Park City has submitted to the MAPD, a complete service plan describing the extension of municipal services to the annexation area.

Analysis: Kansas statutes governing unilateral annexations provide for official notification to certain local officials, including planning commissions having jurisdiction in the area. Additionally, Kansas statutes require that the planning commission review the proposal and make a finding of compatibility or incompatibility with any adopted land use or comprehensive plans related to the area and the annexing city.

After review by staff, it has been concluded that the proposed annexation of several tracts of land located near the intersection of Hydraulic and 93rd Street, adjacent to Park City is substantially compliant with the intent of the Wichita-Sedgwick County Comprehensive Plan. In a recent island annexation application by the City of Valley Center, the Sedgwick County Board of Commissioners determined that the subject tracts were a key part of the long-term growth area for Park City.

Recommended Action: That the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution No. 589-2005 of the City of Park City to be substantially consistent with the adopted Wichita-Sedgwick County Comprehensive Plan

Attachments: Attachment No. 1 - Resolution No. 589-2005, Map and Service Plan
Attachment No. 2 – Wichita Land Use Guide map (01/02)

MOTION: To approve.

MITCHELL moved **MCKAY** seconded the motion, and it carried (9-0).

The Metropolitan Area Planning Department informally adjourned at 3:04 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2005.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)